

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

UNITED STATES,

No. 1:21-cr-61-LEW

v.

NATHAN REARDON

U.S. DISTRICT COURT
DISTRICT OF MAINE
RECEIVED & FILED

2024 AUG 29 P 3:22

MOTION TO RECUSE

1. This is the defendants Pro Se filing for a motion for Judge Lance Walker to recuse himself from this and all future court proceedings against defendant Nathan Reardon.
2. In the beginning of 2022 Judge Nivison made a ruling taking away defendants right to bear arms, even though no threats were alleged or made, and no violence was threatened or alleged.
3. You made the decision to reinstate defendants 2nd amendment right to bear arms and wrote a well thought out decision describing why it was a violation of his second amendment rights.
4. Defendant was encouraged and believed; this was the beginning of the judicial system being fair after having his constitutional right to bare arms, taken away unjustly.
5. To the shock of the defendant and his council, at the time, just a few days later you changed your mind and took away his second amendment rights again. Without explanation of what changed your mind and several days after your original and well thought out decision. Why does a federal judge change his mind on a decision that was made just a few days earlier when no one filed motions against that decision? We still don't know.

6. Defendant was arrested for accepting rent from tenants that were applying for COVID-19 Relief related funds alleging it was a violation of his bail conditions. The bail conditions clearly state defendant was not allowed to apply for funds, nowhere did it say he could not receive rent payment from people that had applied for funds. Defendant was not applying for rent relief because he was not paying rent, the tenants were. It was determined that defendant was a danger to society because he received rent for apartments that were lawfully occupied by tenants. Another amazing miscarriage of justice. Defendant was held without bail, even though major drug traffickers, bank robbers, human traffickers, rapists as well as murderers are granted bail from this very court, as well as many others throughout the state and country. Defendant was accused of a clerical bank loan error not Murder. You denied all motions brought before you by defendants' council Hunter Tvarras.
7. After a plea agreement was signed for no more than 12 months and a day and despite the federal sentencing guidelines being 6 to 12 months, you sentenced defendant to 20 months based on "intended losses" that the government and the defendant agree that not one penny of that was ever given to him. Still, you punished defendant for that. Your reasoning was that you needed to punish defendant harsh enough to deter others from crime. Appeal was dragged out by AUSA until the appeal was determined moot, a strategic move for sure. Entire sentence was served even though appeal was brought. The signed plea agreement was fraudulent from the beginning. Another calculated move to be sure.
8. At the sentencing in November 2022 you entirely denied all objections to the probation report, while simultaneously granting everything that the government asked for. Later the first circuit vacated that decision as not meeting the legal standard. Not one thing went in favor of the defendant despite multiple mitigating factors. You said you considered them, I argue you never did.
9. After defendant served the term of imprisonment, while he was on probation, his probation officer alleged several, first time, non-criminal actions that were an alleged infringement on probation conditions. Defendant again was again held without bail as ordered by you, despite evidence that allegations were unfounded, and those allegations were dismissed after defendant spent time in jail without bail. Defendant was forced into another fraudulent plea agreement in order to hopefully be reunited with his distraught children. You determined the defendant was a danger to society because his wife had a lawfully owned firearm in her closet without the knowledge of the defendant and the defendant was not even on the

property. The firearm charge was dropped because of a lack of evidence. But it was allowed to be left in play by yourself, because it kept me in jail without bail again, right? This seems to be a pattern skillfully used against the defendant. The question is why does a person who was not accused of a violent crime or hurting anyone have to be held in jail multiple times without bail when murderers walk the streets with bail? We still don't have an answer for that.

10. Despite the fact, there were no new crime allegations, and this was a first-time offense for technical probation violations you sentenced defendant to the maximum nine months for a bottom of the line class C violation, where no one was hurt, and no new crime was committed. In addition, there were multiple mitigating factors that were acknowledged by you and then ignored. Defendant has seen multiple cases in this very court that were new crime and they only received six months. Hardly fair or impartial by any reasonable standard.
11. In the sentencing of November 2022 you stated on the record that it would probably be OK and there could be some middle ground found for self-employment. The district attorney agreed with that and the defendants council had objected to that restriction. Literally everyone said they agreed the defendant could be self employed in some fashion. Instead of finding the middle ground at that time, you re-imposed an over burdensome self-employment ban that the first circuit found to be, lacking legally and vacated your decision. The self employment ban is not the minimum restriction needed to protect the public's safety.
12. Rather than taking time to reflect on the first circuit decisions, as well as the things that you personally said on the record, and the things that the district attorney said. You did not lift the self employment ban, you simply restated everything that was already on the record and reinstated it. Instead, you took the opportunity to go on a half an hour personal attack on the defendant on a legal and public record. Actually, stating on the record that you used the unfounded and unverified information published in the Bangor daily news as a reason for violating the defendant. Then stating on record that the defendant is a narcissist, even though he was never diagnosed as one professionally. The district attorney was also allowed by you to make derogatory personal statements multiple times at multiple hearings against the defendant when they have nothing to do with the alleged crime or the sentencing. Still, it was allowed to happen on your watch. Without hesitation or pause to consider the damage you were allowing and perpetuating on the

defendants reputation. This has been allowed to become a personal bash session ever time rather than a court of law and order.

13. I have also been told by multiple lawyers across the country that these charges should've been dismissed before. I was even indicted because you cannot commit bank fraud against a non-bank entity (US V. MICHAEL BOUCHARD 828. F.3^d 116;2016 U.S. App LEXIS 12498. Docket No. 14-4156-cr) The SBA is not and never has been a bank, and therefore bank fraud charges should've never been brought against defendant. Despite the fact that defendants' council did not file a motion to dismiss, even after he was asked to file a motion to dismiss by defendant multiple times. Multiple additional new legal counsel have told defendant that judges are supposed to see these things and a dismissal should've happened regardless of the lack of legal representation for defendant.

14. You took defendants freedom, you ended his marriage in divorce, you forced him to close multiple legal corporations, you made him miss his only sons first tooth, you made defendant miss the passing of his dog after years of caring for the animal that was adopted from the shelter, defendant lost multiple properties while in jail because he could not adequately defend himself and was getting moved to multiple facilities and not getting mail, you forced his family into bankruptcy after trying to keep his family with a roof over their head with low income because of probation restrictions, you took a father of 5 away from his minor children for over 2 years, you stopped the sole source of income for his family of 7, you took his peace and ability to respect a system that was designed to protect people not destroy lives of those who are simply trying to make something out of their lives. I think the damage you inflicted is substantial enough and you should recuse yourself from further destroying this defendants life. I don't know what has caused you to hate me so much but at this point it doesn't matter. The bias and unfair destruction of my life needs to end. This abuse of power needs to end.

15. Defendants life has been substantially destroyed. For rape? No. For murder? No. For drug trafficking? No. What was this destruction for? Wait for it.... A loan, that is being paid back 100%. Almost 10,000 of was paid back before he was even sentenced. A gesture to show Your Honor that the loan would be paid back if freedom was considered. This went ignored. This seems extreme to everyone except for you and the overzealous DA Andrew Lizotte. The federal government spent hundreds of thousand of dollars and wasted precious resources that could have been used to stop child traffickers and violent criminals and take them off the

street. A loan for \$59,145.00 warranted years of investigations and endless prosecution and removal of a father providing for his young family for years. Hundreds of thousands of tax payers dollars spent for this is extreme and unnecessary. Additional fact that never considered was defendant was allowed up to a 2 million dollar loan without an audit. Why did defendant only borrow enough to cover payroll for a few weeks and not "take" 1.9 million and go on vacations or by boats and fancy cars like others? Defendant was not even accused of taking a 3 day weekend. One sided stories make a person out to be something they may not be. Shallow digging by the DA paints an unclear picture. But why waste time getting to the truth instead of something that makes great headlines for the new and overzealous DA trying to make his mark on the back of a hard working father of 5 right?

16. You labeled the defendant a narcissist on public record because you say he needs humility. So because defendant is not depressed and on Prozac and because he is confident in his training and proven abilities over the past 24 years, you publicly mislabeled and humiliated him as a narcissist on a permanent legal record in open court with the press there? Hardly fair or impartial.
17. You didn't take a violent offender off the street. You didn't save anyone from harm. You allege that defendant has to be restricted to protect the public from serial bank loan fraud even though defendant has never had a bank loan for the business in 23 years until the the PPP loan during COVID. Somehow that fact never made it to your opinions. You took a father of 5 away from his young children, causing them irreversible emotional damage. You took a real estate developer that is helping to rebuild the 3-4 million units the government says it needs to house middle and low income earners throughout the country and here in Maine. You took a son away from his aging parents and overburdened them to care for his young family. You took an employer away from employees and forced many of them into unemployment because defendant was held without bail after being abruptly arrested for accepting rent from tenants. With tremendous power comes tremendous responsibility and that can not be seen in any of the actions taken against the defendant so far.
18. You and the DA paint the defendant as an utter failure that cannot be trusted to run businesses. The question you never asked was how did he grow the business for 21 years before the loan and how did it survive after the loan in 2020? The business was still operating more than 2 years after the \$59,145.00 loan. To believe the 6 weeks worth of payroll the loan covered changed the defendant's life for years before and

years after would be more than naïve. These are questions that were never raised by the governments side because of the seemingly blind hatred possibly fueled from the slanderous and libel articles you read in the extremely inaccurate Bangor Daily News disparaging printings against defendant. You say the money that was in the account before the loan was from his father. That is true, money was never kept in accounts because it was being constantly reinvested as smart business owners do. His father was his partner. Him making a deposit into the account is neither illegal nor devious, despite how you and the DA painted it in your 30 minute highly inaccurate diatribe about me at sentencing to which I could not respond to afterwards.

19. Another fact that was never brought up was that the properties in question during all of this were acquired in January 2020. Before COVID was even announced and months before the PPP loan was introduced. Tying the properties or defendants' business growth to the alleged fraud is extraordinarily misguided and patently false. Defendant was successful for over 20 years before the loan and he was still successful after the loan was well past spent on legitimate business expenses. The PPP loan covered payroll, the same payroll his businesses had for over 20 years prior to the loan, and this freed up other funds for nice gifts for his father like the infamous cayman 400.00 boots or the toys bought on amazon for a couple of hundred dollars or the dog being neutered just like the past 5 dogs the defendant had over the past 20 years. In a blinded statement these things may seem extraordinary. What the government failed to do was compare the defendants spending the 5 years prior to the loan and the 2 years after the loan. If anything, spending was limited during the covid loan era because of massive spending on the new properties from January 2020. Is spending 400.00 on a gift for someone's fathers birthday illegal or extreme? I think not, yet it was a focal point in the investigation, the news articles and the prosecution as well as your statements against the defendant. After a forensic accounting was done, over \$400,000.00 went through the defendants account in 2020. Another fact that simply was never put on the record. This simple fact makes the \$59,145.00 loan far less spectacular, doesn't it? One sided and incomplete truths have destroyed the defendants life. Enough is enough. Please recuse yourself.

Therefore, the defendant Nathan Reardon, is respectfully asking you, Judge Lance Walker, to recuse yourself from any further interactions with defendant Nathan Reardon on this


case or any future cases that may arise. You have acknowledged, but ignored mitigating evidence. You have denied 100% of all motions by defendant even when yourself and the AUSA are on the record saying that a middle ground could be reached, yet it never was. You have held defendant in jail without bail even when bail was appropriate and just. You removed a father of five and the only source of income from his young family long-term, even though it was not necessary, causing permanent financial and emotional damage to them. You have refused to remove legally deficient restrictions, even though they were vacated by the first circuit court of appeals which is rare for a higher court to do. You have over sentenced the defendant multiple times and did not use the minimum possible standard and your decision was therefore vacated by the first circuit court of appeals as legally deficient. You stated on the record that a punishment that the first circuit court of appeals found to be legally deficient is OK to reimpose after it was vacated because you say it is "not permanent". Somehow temporary makes legally overburdensome and not meeting the legal minimum standard ok in your opinion. You have opened up the federal government to a potential slander and libel case based on your and the AUSA, on the public record, unfounded and unwarranted personal attacks on the defendant making statements of opinion, as a fact when there is no professional or licensed diagnosis to back them up. More specifically calling the defendant a narcissist. This is not about a singular decision that you made in the past week or two decisions you have made in the past month. This is about a lengthy and voluminous set of decisions that have been made over the past three years that have completely destroyed and derailed the defendant's life and a family's life over a small loan that is being fully repaid. Enough damage has been done. This is about your decisions that have been vacated by the first circuit court of appeals and yet you reinstated them after you said on the record, that a "middle ground" could be found. No middle ground was reached or even approached by you, ever. After over 3 years of over sentencing, and overzealous prosecution there appears to be no middle ground between the defendant and yourself. It appears to defendant that you are not impartial and there is some sort of personal animus that you are taking out on the defendant rather than being fair and impartial as a federal Judge is required to be. Please recuse yourself from all defendants' cases.



Nathan Reardon

Pro Se

PO Box 52



Detroit, ME 04929

207-745-7575

nathan@nathanreardon.com

Certificate of service,

A copy of this was mailed by USPS to assistant US district attorney Andrew Lizotte.